



**MICHIGAN**  
**HOUSE OF REPRESENTATIVES**  
P.O. Box 30014  
LANSING, MICHIGAN 48909-7514

**MINUTES OF THE COMMITTEE**  
**ON**  
**LAW AND JUSTICE**

Tuesday, December 5, 2017                      9:00 a.m.                      Room 327 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Members absent/excused: Rep. Liberati.

Representative Lucido moved to adopt the minutes of November 28, 2017. There being no objection, the motion prevailed by unanimous consent.

Representative Chang moved to excuse absent members. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

HB 5216            (Kesto)            Civil procedure; other; list of prisoner actions dismissed as  
frivolous; eliminate.

Representative Theis moved to report out HB 5216 with recommendation. The motion prevailed, the vote being 11-0-0.

**FAVORABLE ROLL CALL**

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 5222 (Albert)                      Marihuana; other; requirement for health warning labels on  
marihuana products sold in Michigan; provide for.

Representative Albert moved to adopt substitute (H-1) to HB 5222. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: None.

Pass: None.

Representative Albert moved to report out HB 5222 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: None.

Pass: Rep. Howrylak.

Chairman Kesto laid the following bill before the committee:

HB 5234 (Howrylak)	Corrections; jails; medical probation based on physical or mental incapacity and compassionate release based on imminent death; allow.
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Representative Howrylak moved to report out HB 5234 with recommendation. The motion prevailed, the vote being 9-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Robinson, Wittenberg.

Nays: Rep. Theis.

Pass: Rep. Guerra.

Chairman Kesto laid the following bill before the committee:

HB 5243 (Kesto)	Corrections; parole; requirement for psychological examination prior to parole hearing; modify procedure.
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Representative Lucido moved to adopt substitute (H-1) to HB 5243. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: None.

Pass: Rep. Theis.

Representative Lucido moved to report out HB 5243 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: Rep. Theis.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 5244 (Kesto) Mental health; other; time limitation on completion of examination to evaluate issue of incompetence to stand trial; implement.

Representative Lucido moved to report out HB 5244 with recommendation. The motion prevailed, the vote being 8-1-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Guerra.

Nays: Rep. Theis.

Pass: Reps. Robinson, Wittenberg.

Chairman Kesto laid the committee at ease, the time being 9:15 a.m.

Chairman Kesto called the committee back to order, the time being 9:18 a.m.

Chairman Kesto laid the following bill before the committee:

HB 5246 (Kesto) Mental health; facilities; examination to evaluate issue of incompetence to stand trial; modify process and expand certain resources.

Representative Lucido moved to report out HB 5246 with recommendation. The motion prevailed, the vote being 8-2-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Guerra.

Nays: Reps. Theis, Robinson.

Pass: Rep. Wittenberg.

Chairman Kesto laid the committee at ease, the time being 9:21 a.m.

Vice-Chairman Lucido took the gavel and called the committee back to order, the time being 9:22 a.m.

Vice-Chairman Lucido laid the following bills before the committee:

HB 4779 (Kosowski) Legislature; other; uniform electronic legal material; provide for.

HB 4780 (Kesto) Legislature; other; Michigan Compiled Laws database; designate as an official source of law.

Chairman Kesto; Representative Kosowski; Brian Lewis, representing the Uniform Law Commission; and Jane Meland, representing the Michigan Association of Law Libraries, testified together in support of the bills. Questions and discussion followed.

Vice-Chairman Lucido laid the committee at ease, the time being 9:38 a.m.

Chairman Kesto took the gavel and called the committee back to order, the time being 9:39 a.m.

Chairman Kesto laid the following bills before the committee:

HB 5017 (Lucido) Crimes; other; cyberbullying; prohibit, and provide penalties.

HB 5018 (Lucido) Criminal procedure; sentencing guidelines; sentencing guidelines for crime of cyberbullying; enact.

Representative Lucido; William Harding and Derek Miller, both representing the Macomb County Prosecuting Attorney, testified in support of the bills. Questions and discussion followed.

John S. Cooper, representing the Citizens Alliance on Prisons and Public Spending, submitted a card in opposition to the bills, but did not wish to speak.

Kimberly Buddin, representing the American Civil Liberties Union of Michigan, submitted a card in opposition to HB 5017 and submitted written testimony, but did not wish to speak.

Chairman Kesto laid the committee at ease, the time being 10:14 a.m.

Chairman Kesto called the committee back to order, the time being 10:17 a.m.

Chairman Kesto laid the following bill before the committee:

HB 5245 (Kesto) Corrections; prisoners; transfer of prisoners for medical treatment under certain circumstances; allow.

Kyle Kaminski, representing the Michigan Department of Corrections, testified with no position on the bill. Questions and discussion followed.

Representative Lucido moved to adopt substitute (H-1) to HB 5245. The motion prevailed, the vote being 9-0-2.

#### FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Robinson, Wittenberg.

Nays: None.

Pass: Reps. Theis, Guerra.

Representative Lucido moved to report out HB 5245 with recommendation as substitute (H-1).  
The motion prevailed, the vote being 9-1-1.

**FAVORABLE ROLL CALL**

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Albert, Chang, Robinson,  
Wittenberg.

Nays: Rep. Theis.

Pass: Rep. Guerra.

There being no further business before the committee, Chairman Kesto adjourned the meeting,  
the time being 10:22 a.m.

**Representative Klint Kesto, Chair**\_\_\_\_\_

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